

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Alberto RODRIGUEZ-Gasca (1)

Christyan Duarte MORENO (2)

Defendant.

Magistrate Case No.:

'08 MJ 8641

COMPLAINT FOR VIOLATION OF

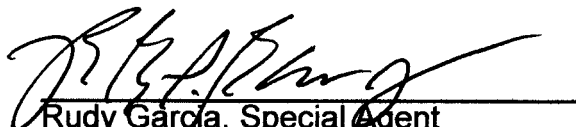
21 U.S.C. § 952 and 960

Importation of a Controlled Substance
(Felony)

The undersigned complainant being duly sworn states:

That on or about July 13, 2008, within the Southern District of California, defendants Luis Alberto RODRIGUEZ-Gasca and Christyan Duarte MORENO did knowingly and intentionally import approximately 43.46 kilograms (95.61 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Rudy Garcia, Special Agent
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 14th
DAY OF July 2008.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Luis Alberto RODRIGUEZ-Gasca (1)

4 Christyan Duarte MORENO (2)

5 STATEMENT OF FACTS

6 This statement of facts is based on the reports, documents, and notes furnished
7 to US Immigration and Customs Enforcement Special Agent Rudy Garcia.

8 On July 13, 2008, at approximately 1230 hours, Luis Alberto RODRIGUEZ-Gasca
9 and Christyan Duarte MORENO attempted to enter the United States from the Republic
10 of Mexico at the Calexico, CA West Port of Entry. RODRIGUEZ was the driver and
11 MORENO was the passenger of a 2005 Ford Lobo truck with Baja California, Mexico
12 license plate AM05532.

13 RODRIGUEZ presented his Mexican border crossing card/visa and MORENO
14 presented his U.S. passport to Customs and Border Protection Officer (CBPO) O. Soto.
15 RODRIGUEZ gave a negative declaration and stated they were going to Calexico.
16 CBPO O. Soto referred the vehicle to secondary inspection.

17 In vehicle secondary, CBPO F. Cortes received a negative declaration from
18 RODRIGUEZ. RODRIGUEZ stated to CBPO F. Cortes that the vehicle was his and had
19 recently purchased the vehicle. CBPO F. Cortes inspected the rear of the vehicle and
20 noted that the gas tank sounded hard when he tapped it. CBPO F. Cortes also
21 observed tool marks on the gas tank straps and one fuel hose that was disconnected.

22 Customs Enforcement Office R. Navarro conducted a canine examination of
23 the vehicle with his human/narcotic detection dog. The canine alerted to the gas tank
24 area of the vehicle.

25 A subsequent inspection of the vehicle revealed 38 packages concealed inside
26 the fuel tank. One of the packages was probed and it field-tested positive for
27 marijuana. The 38 packages had a combined net weight of approximately 43.46
28 kilograms (95.61 pounds) of marijuana.

29 RODRIGUEZ was placed under arrest and advised of his Miranda Rights, which
he acknowledged and waived. RODRIGUEZ admitted knowledge of the marijuana
and stated he was to be paid \$1,000.00 by MORENO to drive the vehicle into Calexico.